

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

STATE OF NEW YORK,

Plaintiff,

v.

20 Civ. 5349

UNITED STATES DEPARTMENT  
OF HOMELAND SECURITY; U.S.  
IMMIGRATION AND CUSTOMS  
ENFORCEMENT; CHAD F. WOLF, *in his  
official capacity as Acting Secretary of  
Homeland Security*; and MATTHEW  
ALBENCE, *in his official capacity as  
Acting Director of United States  
Immigration and Customs Enforcement*,

Defendants.

**PLAINTIFF'S NOTICE OF MOTION  
(Fed. R. Civ. P. 65 and 5 U.S.C. § 705)**

PLEASE TAKE NOTICE that pursuant to Federal Rule of Civil Procedure 65, Plaintiff hereby moves the Court for a temporary restraining order or preliminary injunction to enjoin Defendants from implementing, applying, or taking any action under U.S. Immigration & Customs Enforcement, *Broadcast Message: COVID-19 and Fall 2020* (July 6, 2020), in order to preserve the status quo pending further proceedings, or until this case is decided on the merits and final judgment is entered.

Alternatively, pursuant to 5 U.S.C. § 705, Plaintiff moves for a stay postponing the effective dates of this agency action pending further proceedings, or until this case is decided on the merits and final judgment is entered.

In support of this motion, Plaintiffs rely on the accompanying Memorandum of Law, the Declaration of Steven C. Wu, the exhibits attached to that Declaration, the pleadings and papers on file in this action, and any argument and evidence that is presented on any hearing in this matter.

DATED: July 13, 2020

Respectfully submitted,

LETITIA JAMES  
*Attorney General of the State of New York*

Matthew Colangelo  
*Chief Counsel for Federal Initiatives*

Elena Goldstein  
*Deputy Chief, Civil Rights Bureau*

By: /s/ Steven C. Wu  
Steven C. Wu, *Deputy Solicitor General*  
Morenike Fajana, *Special Counsel*  
Carolyn Fast, *Special Counsel*  
Joel Marrero, *Assistant Attorney General*  
*(pro hac vice forthcoming)*  
Daniela Nogueira, *Assistant Attorney General*  
Office of the New York Attorney General  
28 Liberty Street  
New York, NY 10005  
Phone: (212) 416-6312  
steven.wu@ag.ny.gov

*Attorneys for the State of New York*